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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DURWOOD JERELL MOORE,

13 Defendant.

NO. CR06-283-JLR

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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15 An evidentiary hearing on a petition for violation of supervised release in this case was
16 scheduled before the undersigned Magistrate Judge on October 14, 2011. The United States
17 was represented by Assistant United States Attorney Carl H. Blackstone and the defendant by
18 Robert W. Goldsmith. The proceedings were digitally recorded.

19 The defendant had been charged and convicted of Felon in Possession of a Firearm, in
20 violation of 18 U.S.C. § 922(g)(1). On or about May 23, 2007, defendant was sentenced by the
21 Honorable James L. Robart to a term of 52 months in custody, to be followed by 3 years of
22 supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in a substance abuse
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1 program, submit to search, shall not enter any establishment where alcohol is the primary
2 commodity for sale; participate in Location Monitoring Program for 120 days.

3 In a Petition for Warrant or Summons dated June 10, 2011, U.S. Probation Officer
4 Thomas J. Fitzgerald asserted the following violations by defendant of the conditions of his
5 supervised release:

- 6 (1) Possessing oxycodone without a valid prescription on June 9, 2011, in violation
7 of standard condition number 7 of his supervised release.
- 8 2. Possession marijuana on June 9, 2011, in violation of standard condition
9 number 7 of his supervised release.
- 10 3. Failing to participate in the Location Monitoring Program for a period of 120
11 days as directed, since, on, or before June 9, 2011, in violations of his special
12 condition of supervised release.

13 On June 13, 2011, defendant made his initial appearance. The defendant was advised
14 of the allegations and advised of his rights. On October 14, 2011, this matter came before the
15 Court for an evidentiary hearing. Defendant admitted to violations 1 and 3. Alleged violation
16 2 was dismissed without prejudice by the government.

17 I therefore recommend that the Court find the defendant to have violated the terms and
18 conditions of his supervised release as to violations 1 and 3, and that the Court conduct a
19 hearing limited to disposition. A disposition hearing on these violations has been set before the
20 Honorable James L. Robart on November 2, 2011 at 9:00 a.m.

21 Pending a final determination by the Court, the defendant has been released, subject to
22 supervision.

23 DATED this 14th day of October, 2011.

24 
25 JAMES P. DONOHUE
26 United States Magistrate Judge

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2 cc: District Judge: Honorable James L. Robart
3 AUSA: Carl H. Blackstone
4 Defendant's attorney: Robert W. Goldsmith
Probation officer: Thomas J. Fitzgerald
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